



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,169	07/25/2003	Achim Gleissner	GK-EIS-1067/ 500593.20059	3898
7590	10/12/2006		EXAMINER YUN, EUGENE	
Gerald H. Kiel, Esq. REED SMITH LLP 599 Lexington Avenue New York, NY 10022-7650			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/627,169	GLEISSNER, ACHIM	
	<b>Examiner</b>	<b>Art Unit</b>	
	Eugene Yun	2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okazaki et al. (US 6,889,043) in view of Steinmaier (US 4,270,151).

Referring to Claim 1, Okazaki teaches A microphone device, comprising:

a microphone 26 (fig. 1) having a microphone transducer (see col. 5, lines 39-46); and

a recording unit for recording signals generated by the microphone transducer of the microphone (see col. 7, lines 30-44);

said recording unit and said microphone being connected to one another via a detachable plug connection (see 124 and 21 in fig. 1) and the signals generated by the microphone transducer being transmitted to the recording unit via the plug connection (see col. 7, lines 45-49 and line 63 to col. 8, line 3).

Okazaki does not teach an XLR plug connection between the recording unit and the microphone. Steinmaier teaches an XLR plug connection between the recording unit and the microphone (see col. 2, lines 44-48 and col. 2, line 67 to col. 3, lines 1-4).

Therefore it would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 2618

invention was made to provide the teachings of Steinmaier to said device of Okazaki in order to provide better quality signal between the microphone and recording unit.

Referring to Claim 3, Okazaki also teaches means for data reduction formed in the recording unit and wherein the audio signals are recorded with a data-reduced format (see col. 6, line 64 to col. 7, line 11).

Referring to Claim 4, Okazaki also teaches an interface formed in the recording unit for wireless transmission of recorded audio signals (see col. 11, lines 4-13).

Referring to Claim 5, Okazaki also teaches a headphone socket formed in the recording unit, by which the audio signal recorded by the microphone is audible (see col. 7, lines 45-49).

Referring to Claim 6, Okazaki also teaches that the recording unit can be connected to a mobile telephone and has appropriate connection devices for this purpose and a mobile telephone/headset can be connected to the recording unit and/or the mobile telephone (see col. 5, lines 21-38).

Referring to Claim 7, Okazaki also teaches that audio signals recorded by the recording unit are transmitted via the mobile telephone at a signal rate which is lower or higher than the recording data rate and wherein transmission to the mobile telephone can preferably already be started, while audio signals are picked up by the microphone and are recorded and stored by the recording unit (see col. 6, line 64 to col. 7, line 11).

### ***Response to Arguments***

Art Unit: 2618

3. Applicant's arguments filed 7/21/2006 have been fully considered but they are not persuasive.

The applicant argues that the combination of the Okazaki and Steinmaier references is not efficient to teach the limitations of claim 1 in addition to the added limitation of "an XLR plug connection between the recording unit and the microphone". The examiner disagrees. First of all, the examiner believes that the Steinmaier reference alone is enough to teach all of the limitations of claim 1 as the reference is believed to clearly teach the above limitation (see col. 2, lines 44-48 and col. 2, line 67 to col. 3, lines 1-4). The Steinmaier reference was combined with the Okazaki reference to simply show that the microphone can interact with a recording device either by an XLR connection, or a wireless connection in order to increase portability. In addition, it is not believed by the examiner that a portable recording device which comprises an XLR plug for a microphone is unique according to one skilled in the art.

For the above reasons, the examiner stands by his rejection.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

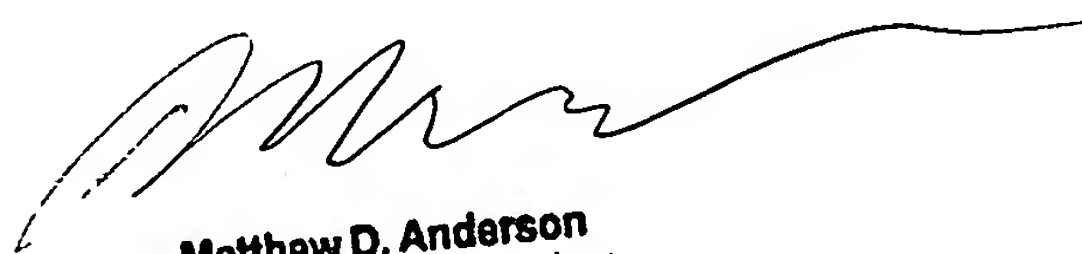
Art Unit: 2618

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Matthew D. Anderson**  
Supervisory Patent Examiner

  
Eugene Yun